

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re: :
 :
THE FINANCIAL OVERSIGHT AND :
MANAGEMENT BOARD FOR PUERTO RICO, : PROMESA
 : Title III
as representative of :
 : Case No. 17-BK-3283 (LTS)
THE COMMONWEALTH OF PUERTO RICO *et al.*, :
 : (Jointly Administered)
Debtors.¹ :
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**REPLY OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS
IN SUPPORT OF URGENT MOTION FOR ENTRY OF ORDER APPROVING
SECOND AMENDED STIPULATION AND CONSENT ORDER BETWEEN
TITLE III DEBTORS (OTHER THAN COFINA) AND PUERTO RICO FISCAL
AGENCY AND FINANCIAL ADVISORY AUTHORITY ACTING ON BEHALF OF
GOVERNMENTAL ENTITIES LISTED ON APPENDIX “A” REGARDING
TOLLING OF STATUTE OF LIMITATIONS**

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors² (the “Committee”) hereby submits this reply (the “Reply”) in support of the *Urgent Motion for Entry of an Order Approving Second Amended Stipulation and Consent Order Between Title III Debtors (Other Than COFINA) and the Puerto Rico Fiscal Agency and Financial Advisory Authority Acting on Behalf of the*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Committee is the official committee of unsecured creditors for all Title III Debtors, other than PBA and COFINA.

Governmental Entities Listed on Exhibit “B” Regarding the Tolling of Statute of Limitations

[Docket No. 13719] (the “Motion”).³ In support of this Reply, the Committee respectfully states as follows:

REPLY

1. The Committee supports the relief sought in the stipulation attached as Exhibit A to the Motion (the “Intergovernmental Tolling Stipulation”), *i.e.*, extending the tolling of the statutes of limitations with respect to claims by the Title III Debtors against the governmental entities listed on Exhibit B to the Stipulation, including because more time is required to analyze whether the Title III Debtors have claims against such governmental entities.

2. While the Committee takes no position as to whether the statutes of limitations for any HTA claims against the Commonwealth should also be extended (as certain monoline insurers argue in their limited objection [Docket No. 13845]), the Committee submits that this inter-Commonwealth-HTA issue should be addressed in the context of the separate stipulation [Docket No 13892] (the “Commonwealth-HTA Tolling Stipulation”) that directly deals with the tolling of the statutes of limitation of inter-Commonwealth-HTA claims (rather than in the context of the Intergovernmental Tolling Stipulation). In fact, the tolling of inter-Commonwealth-HTA claims has always been addressed separately from the tolling of claims by the Title III Debtors against non-Debtor governmental entities. *Compare* Docket Nos. 6531, 9722 *with* Docket Nos. 6812, 10606. For that reason, the Committee submits that the Court should enter the Intergovernmental Tolling Stipulation in the form attached to the Motion and address any objections related to inter-Commonwealth-HTA claims in the context of the separate Commonwealth-HTA Tolling Stipulation.

³ Capitalized terms not defined herein shall have the meanings ascribed thereto in the Motion.

WHEREFORE, the Committee respectfully requests that this Court grant the Motion, enter the Intergovernmental Tolling Stipulation, and grant such other and further relief as this Court deems just and proper.

Dated: August 3, 2020

/s/ Luc A. Despins

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